

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4976 of 2017

In
CRIMINAL MISCELLANEOUS No.23395 of 2013

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Rakesh Thakur @ Rakesh S/o Mangu Thakur R/o Vill.- Jajuar, P.S.- Katra
District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rupam Kumari, D/o Sri Digambar Jha R/o Vill.- Nanpur, P.S.- Nanpur, Dist.
- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 15-07-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
APP for the State.

The present application has been filed for
modification of order dated 02.09.2013 passed in Cr. Misc. No.
23395 of 2013, whereby the petitioner was granted provisional
anticipatory bail for one year in connection with a case
registered for the offences punishable under Sections 120B,
498A, 504, 506 of the Indian Penal Code and Sections 3/4 of
Dowry Prohibition Act.

It appears that the notices were issued to the opposite



party no. 2 vide order dated 05.02.2020 but none is appearing on behalf of opposite party no. 2 in spite of valid service of notice as gets reflected from the office note dated 08.06.2020.

The petitioner, being the husband of the informant, preferred Cr. Misc. No. 23395 of 2013 with a prayer for anticipatory bail when both sides agreed to resume the conjugal life and petitioner was granted provisional anticipatory bail for one year when both sides agreed to appear before the learned Court below on 30.09.2013 when the petitioner will take back the informant to her matrimonial house to keep her as wife with full dignity and honour. The provisional bail was to be confirmed by the learned Court below in three eventualities (i) on substantial restoration of matrimonial harmony between the parties within one year (ii) or the informant fails to appear before the learned Court below (iii) or the informant is reluctant to reconcile the issue.

It is submitted by learned counsel for the petitioner that due to the laches on the part of the opposite party no. 2, the issue could not be reconciled and the petitioner is still ready to resume the conjugal life.

Considering the fact that the period of provisional anticipatory bail got lapsed on 01.09.2014 when the present



modification application was registered on 02.02.2017, this Court is not inclined to modify the earlier order.

However, in view of the present of the petitioner, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below within four weeks after resumption of physical court proceedings in connection with Nanpur P.S. Case No. 201 of 2012, pending in the Court of learned S.D.J.M., Pupri at Sitamarhi.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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